

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

FILED
MAY 01 1995
LOUIS E. COSTA
CLERK APPELLATE COURT 5th DIST.

A D M I N I S T R A T I V E O R D E R

This matter has been considered on the court's own motion, and the court, being advised in the premises, finds:

That a problem exists with respect to certain non-exempt appellants who fail to pay either the court reporter for preparation of the transcripts of proceedings or the circuit clerk for preparation of the record on appeal;

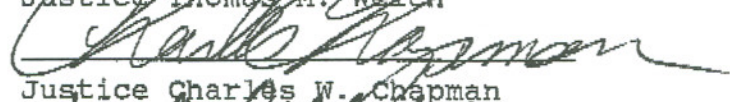
That some court reporters and circuit clerks are nonetheless preparing transcripts of proceedings and the record on appeal, respectively, in the belief that their failure to do so may subject them to a finding of contempt of the appellate court.

IT IS THEREFORE ORDERED that this court hereby declares that it will not require court reporters to prepare transcripts of proceedings or circuit clerks to prepare the record on appeal in any case where the appellant is required to pay a record-preparation fee but has failed to do so.

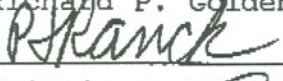
ENTERED: May 1, 1995.


Presiding Justice Gordon E. Maag

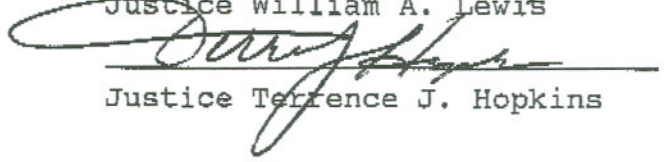

Justice Thomas M. Welch


Justice Charles W. Chapman


Justice Richard P. Goldenhersh


Justice Phillip J. Parick


Justice William A. Lewis


Justice Terrence J. Hopkins

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT

ADMINISTRATIVE ORDER

Pursuant to Supreme Court Rule 361(g), effective January 1, 2006, the Fifth District is charged with promulgating and publishing local rules governing emergency motions, including bail motions. Accordingly, the procedure for seeking emergency relief by motion shall be in the manner as prescribed herein.

An appeal must be properly docketed in this court before a movant can seek emergency relief by motion. However, an appeal may be docketed on the strength of an emergency motion that is accompanied by a supporting record (see Supreme Court Rule 328) that includes, at a minimum, file-stamped copies of the notice of appeal, the order or judgment from which the appeal is taken, post-trial motions if any, and the orders disposing of post-trial motions.

Any motion seeking emergency relief must be titled as an emergency motion and must be filed with the clerk of the court. An emergency motion may be filed by facsimile.

An emergency motion must be accompanied by personal service, facsimile service in the manner prescribed by Supreme Court Rule 12(b), or by overnight mail.

Except in the most extreme and compelling circumstances, a motion seeking an extension of time will not be treated as an emergency motion.

The court may order a response to an emergency motion, hold the motion until the time for responding expires, rule on the motion prior to the time for filing an objection if warranted by extraordinary circumstances (see Supreme Court Rule 361(d)), or take whatever action it deems appropriate.

Presiding Justice Stephen L. Spomer

Justice Thomas M. Welch

Justice Richard P. Goldenhersh

Justice Terrence J. Hopkins

Justice Melissa A. Chapman

Justice James K. Donovan

Justice Stephen P. McGlynn

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT

ADMINISTRATIVE ORDER

This matter has been considered on the court's own motion and pursuant to Supreme Court Rule 22(h) (Official Reports Advance Sheet No. 26 (December 17, 2008)), which authorizes this court to adopt rules governing civil and criminal cases which are consistent with Illinois Supreme Court Rules and the statutes of this state; and the court, being advised in the premises, finds:

That docket sheet entries are a part of the basic court record in the lower court;

That in some of the circuit courts in the counties within the Fifth District of the Illinois Appellate Court, docket entries are no longer handwritten or typed on a docket sheet but instead are entered into a computer;

That in some counties these computerized docket sheets are printed out and made a part of the record. However, in some counties the computerized docket sheets are not made a part of the record and are available only upon request of the circuit clerk; and

That to facilitate the administration of justice, the Illinois Appellate Court, Fifth District, hereby enacts the following rule with respect to docket sheet entries.

IT IS THEREFORE ORDERED that when preparing the record on appeal for transmission to this court, the Circuit Clerks of the respective counties within the Fifth District of the Illinois Appellate Court should include within the record all docket entries, including those generated by a computer.

FILED
OCT 23 2009
CLERK OF THE APPELLATE COURT

James M. Wexsten
Presiding Justice James M. Wexsten
Thomas M. Welch
Justice Thomas M. Welch
Richard T. Goldenhergh
Justice Richard T. Goldenhergh
Melissa A. Chapman
Justice Melissa A. Chapman
James R. Donovan
Justice James R. Donovan
James R. Donovan
Justice James R. Donovan

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT

ADMINISTRATIVE ORDER

FILED
APR 01 2010
JOHN J. FLOOD
CLERK APPELLATE COURT, 5TH DIST.

Pursuant to our authority under Supreme Court Rule 311(a)(6) to adopt mandatory procedures to ensure completion of Rule 311(a) appeals within 150 days after the filing of the notice of appeal, we hereby adopt the following local rules.

Mandatory Procedures for Custody Cases Expedited Under Supreme Court Rule 311(a)

Record on Appeal

Due Date.

In appeals from final orders in child custody cases and interlocutory appeals in child custody cases from which leave to appeal has been granted pursuant to Rule 306(a)(5), the record on appeal shall be filed within 35 days of the filing of the notice appeal pursuant to Supreme Court Rule 311(a)(4)

Requests for Extensions

Extensions for preparation of the record on appeal shall be allowed only for the most compelling circumstances. Pursuant to 311(a)(4), the trial court has the authority to allow one extension of time to file the record. In no event shall that extension total more than 10 days. Any order entered by the circuit court granting an extension must be immediately served on the Clerk of the Appellate Court by counsel for the moving party, or by the party who filed the motion if the party is not represented by counsel.

Filing the Record

In order to expedite appeals under 311(a), the circuit clerk is encouraged to file a certificate in lieu of record with this court in compliance with Supreme Court Rule 325 and to transmit the record directly to appellant's attorney. The attorneys are encouraged to transmit the record directly between themselves with a notice to the clerk of this court of the date and method of transmission.

Briefs

Schedule

- Appellant's opening brief shall be filed within 21 days of the filing of the record or certificate in lieu in the Appellate Court.
- Appellee's answer brief shall be filed within 21 days of the due date of appellant's brief.
- Appellant's reply brief, if any, shall be filed within 7 days of the due date of appellee's brief.
- In the case of a cross-appeal, the cross-reply brief shall be filed within 7 days of the due date of appellant's reply brief.

Requests for Extension

This court will look with extreme disfavor upon any requests for extensions in the briefing schedule and will grant such requests only for the most compelling circumstances.

Whenever possible, motions for extension of time to file a brief and responses thereto shall be filed by facsimile or in person with this court and shall be served on the opposing party by facsimile or in person. In addition, a hard copy shall be mailed to the court at the time of the facsimile transmission. The proof of service shall state that service by facsimile or in person has been made upon the opposing party and this court, and that a hard copy has been mailed to the court if the filing was by facsimile. The opposing party shall file its response, if any, within three days. As with all appeals, motions do not stay the filing schedule and the briefing schedule will continue to run while any motions are pending.

If a petition for leave to appeal pursuant to Supreme Court Rule 306(a)(5) is granted, the time for filing a notice of election to stand on the petition or answer or for filing a new brief shall begin to run from the date that the petition is granted. In order to allow a petition or answer to stand as a brief, the party must notify the other parties and the clerk of this court on or before the due date of the brief.

Entered: April 1, 2010

IN THE
APPELLATE COURT OF ILLINOIS
FIFTH JUDICIAL DISTRICT

ADMINISTRATIVE ORDER

This matter has been considered on the court's own motion; and pursuant to Supreme Court Rule 311(a); and the court, being advised in the premises, finds;

That on May 1, 1995, this court entered an administrative order concerning a problem of appellants in civil appeals who are not otherwise entitled to a free record on appeal and fail to pay either the official court reporter for preparation of transcripts of proceedings or the circuit clerk for preparation of the record on appeal. The administrative order declared that under such circumstances court reporters were not required to prepare transcripts of proceedings and circuit clerks were not required to prepare records on appeal until payment was advanced;

That Supreme Court Rule 311(a) does not relieve an appellant who must otherwise pay for a transcript of proceeding or a record on appeal of that burden. However, paragraph (a)(4) of the rule provides that "[l]ack of advance payment shall not be a reason for noncompliance with filing deadlines for the record or transcript." Accordingly, our administrative order is amended to comport with the new rule.

IT IS THEREFORE ORDERED that this court declares that it will not require court reporters and circuit clerks to prepare transcripts of proceedings and the record on appeal in any civil case not governed by Supreme Court Rule 311(a) where the appellant is required to pay a record preparation fee but has failed to do so.

Entered: November 22, 2004
Revised: April 1, 2010

FILED
APR 01 2010
JOHN J. FLOOD
CLERK APPELLATE COURT, 5TH DIST.